

379919

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

DEPT. OF TRANSPORTATION
HOCKETTS
2006 JAN -3 P 3:28

IN THE MATTER OF:

FedEx Ground, Inc.

(Respondent)

PHMSA CASE NUMBER

05-0261-CAR-SO

PHMSA-06-23517-1

FINAL ORDER

By this Order, I find that FedEx Ground, Inc. (Respondent) committed one (1) violation of the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180, and I assess Respondent a \$6,300 civil penalty.

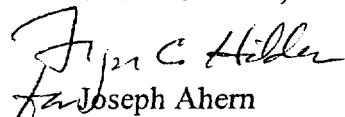
On August 5, 2005, the Office of the Chief Counsel issued a Notice of Probable Violation ("Notice") to Respondent proposing a \$6,300 civil penalty for one (1) violation of the HMR. On December 8, 2005, Respondent submitted a payment in the amount of \$6,300. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violation as alleged in the Notice (49 C.F.R. § 107.315). Therefore, I find that Respondent committed the violation as set forth in the Notice.

This violation shall constitute a prior violation under 49 U.S.C. § 5123 in the event Respondent commits any future violation of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 et seq., or the HMR.

By paying the proposed civil penalty, Respondent waived all rights to further respond to the Notice and to appeal this Order. Accordingly, PHMSA accepts Respondent's December 8, 2005 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 12/30/05

It is so Ordered,


Joseph Ahern
Acting Chief Counsel

CERTIFICATE OF SERVICES

This is to certify that on the 30th day of December 2005 the undersigned served in the following manner the designated copies of this Order each party listed below:

Mr. Daniel J. Sullivan
President & CEO
FedEx Ground, Inc.
P.O. Box 108
Pittsburgh, PA 15235

Original Order
Certified Mail Return Receipt

Mr. Doug Smith, Enforcement Officer
Office of Hazardous Materials Enforcement
400 Seventh Street, S.W.
Washington, D.C. 02590-0001

One Copy
Personal Delivery

Mr. John Henneghan, Chief
Hazardous Materials Enforcement Office
Southern Region, PHH-46
233 Peachtree Street NE, Suite 602
Atlanta, GA 30303

One Copy
Personal Delivery

Frazer Hilder, Attorney
Pipeline and Hazardous Materials
Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590-0001

One Copy
Personal Delivery

U.S. DOT Dockets
U.S. Department of Transportation
400 Seventh Street, S.W., RM PL-401
Washington, D.C. 20590

One Copy
Personal Delivery



Gail Mayhew, Paralegal